

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (If known, sect 37 C.F.R. 1.5)

10/089377

INTERNATIONAL APPLICATION NO.
PCT/AU00/01187

INTERNATIONAL FILING DATE
28 September 2000

PRIORITY DATE CLAIMED
29 September 1999

TITLE OF INVENTION

FUEL CELL ASSEMBLY

APPLICANT(S) FOR DO/EO/US

Donald JAFFREY and Karl FOGER

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☒ has been transmitted by the International Bureau. (see enclosed Form PCT/IB/308)
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern other document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A FIRST preliminary amendment.
 - ☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☐ Other items or information.

U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.53)

Not Yet Known

INTERNATIONAL APPLICATION NO.

PCT/AU00/01187

ATTORNEY'S DOCKET NUMBER

A-71428/DJB/MAK

17. ☒ The following fees are submitted:**Basic National Fee (37 CFR 1.492(a)(1)-(5)):**

Search Report has been prepared by the EPO or JPO \$890.00

International preliminary examination fee paid to USPTO (37 CFR 1.482)

..... \$710.00

No international preliminary examination fee paid to USPTO (37 CFR 1.482)

but international search fee paid to USPTO (37 CFR 1.445(a)(2)) \$740.00

Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$1,040.00

International preliminary examination fee paid to USPTO (37 CFR 1.482)

and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00

ENTER APPROPRIATE BASIC FEE AMOUNT =**CALCULATIONS (PTO USE ONLY)**

\$ 1,040.00

Surcharge of \$130.00 for furnishing the oath or declaration later than
months from the earliest claimed priority date (37 CFR 1.492(e)).☐ 20 ☒ 30

\$ 130.00

CLAIMS**NUMBER FILED****NUMBER EXTRA****RATE**

Total Claims

65

-20 =

45

\$ 18.00

\$ 810.00

Independent Claims

2

-3 =

0

\$ 84.00

\$ 0.00

Multiple dependent claims (if applicable)

N/A

\$280.00

\$ 0.00

TOTAL OF ABOVE CALCULATIONS =

\$ 1,980.00

Reduction by 1/2 for filing by small entity, if applicable. Applicant claims
small entity status. (See 37 CFR 1.27.)

Yes

No

\$

0.00

SUBTOTAL =

\$ 1,980.00

Processing fee of \$130.00 for furnishing the English translation later than
months from the earliest claimed priority date (37 CFR 1.492(f)).☐ 20 ☐ 30

+

\$

0.00

TOTAL NATIONAL FEE =

\$ 1,980.00

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be
accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property

+

\$

0.00

TOTAL FEES ENCLOSED =

1,980.00

Amount to be:
refunded \$

charged \$

a. ☒ A check in the amount of \$1,980.00 to cover the above fees is enclosed.b. ☐ Please charge my Deposit Account No. 06-1300 (Order No. _____) in the amount of \$ _____ to cover the above fees.c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-1300 (Order No. A-71428/DJB/MAK).**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

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SIGNATURE

Michael A. KAUFMAN
NAME32,998
REGISTRATION NUMBER

PATENT

Attorney Docket No.: A-71428/DJB/MAK

PATENT COOPERATION TREATY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Donald JAFFREY and Karl FOGER

NATIONAL PHASE ENTRY OF:

PCT/AU00/01187

Serial No.: Not Yet Assigned

Filed: Herewith

For: ***Fuel Cell Assembly***

Box PCT
Assistant Commissioner for Patents
Washington, DC 20231

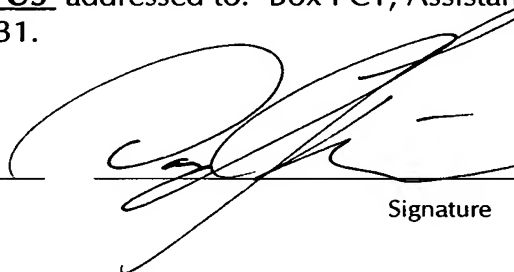
Sir:

EXPRESS MAIL CERTIFICATION UNDER 37 CFR §1.10

I hereby certify that this New Application and the documents listed below and referred to as enclosed herein are being deposited with the United States Postal Service on this date: 28 March 2002, in an envelope bearing "Express Mail Post Office To Addressee" Mailing Label Number **EK 916 811 686 US** addressed to: Box PCT, Assistant Commissioner for Patents, Washington, D.C. 20231.

Darryl KRINER

Name of Person Mailing



Signature

The following documents are enclosed herein for filing in the above-identified new application:

1. Transmittal Letter to the U.S. Designated/Elected Office;
2. Preliminary Amendment;

3. Copy of Notice Informing the Applicant of the Communication of the International Application to the Designated Offices (Form PCT/IB/308); and
4. Our check in the amount of \$1,980.00.

Dated: 28 March 2002

FLEHR HOHBACH TEST
ALBRITTON & HERBERT LLP

By Michael A. Kaufman
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Reg. No. 32,998

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